

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KELVIN R. LOVETT,

Plaintiff,

v.

**Civil Action 2:24-cv-4256
Judge James L. Graham
Magistrate Judge Chelsey M. Vascura**

SGT. GOBEL, *et al.*,

Defendants.

OPINION AND ORDER

Plaintiff, Kelvin R. Lovett, an Ohio inmate proceeding without the assistance of counsel, has applied to file a civil action *in forma pauperis*. ECF No. 1. His motion did not include a certified prisoner trust fund account statement. *See* ECF No. 3. On December 12, 2024, Plaintiff paid the filing fee. *Id.* On December 26, 2024, he filed a notice stating that he wished to maintain his IFP motion to have the Court direct the US Marshal to effect service over Defendants. *See* ECF No. 4. On January 3, 2025, the Magistrate Judge issued a Report and Recommendation, recommending that all of Plaintiff's claims be dismissed except as to Defendant Evans. ECF No. 6. On January 30, 2024, Plaintiff filed his certified prisoner trust fund account statement and a Notice that he did not object to the Magistrate's Report and Recommendation. ECF Nos. 7, 8. On February 6, Plaintiff filed an amended IFP application. ECF No. 9.

Plaintiff's certified trust fund account statement accompanying his application indicates that he currently has \$3,147.47 in his prison trust fund account. *Id.* The statement does not reflect Plaintiff's inability to pay the costs of litigation. Accordingly, Plaintiff's amended application to

proceed *in forma pauperis* is **DENIED**. He is **DIRECTED** to serve summons and Complaint on Defendant Evans in compliance with Federal Rule of Civil Procedure 4, should he wish to maintain his action.

Furthermore, the Court finds the Report and Recommendation to be well-taken and hereby **ADOPTS** the same. Accordingly, Plaintiff's excessive force claim claim against Defendant Evans in his individual capacity shall proceed; Plaintiff's remaining claims are hereby **DISMISSED**.

IT IS SO ORDERED.

/s/James L. Graham
JAMES L. GRAHAM
UNITED STATES DISTRICT JUDGE

DATE: February 7, 2025.